

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GILBERTO ARISTA-ROSALES,

Defendant.

**4:13CR3058**

**MEMORANDUM AND ORDER**

The defendant has moved for release to third party custodians, Josue Alfaro and his wife Mima Gomez-De Alfaro. (Filing No. 34). The defendant is subject to an ICE detainer, and has pleaded guilty to the charge of deceitfully, intentionally, and falsely using another person's name and social security number to obtain a benefit to which he is not entitled. (Filing No. 33). Sentencing is scheduled for September 17, 2013.

Pending sentencing, a "judicial officer shall order that a person who has been found guilty of an offense and who is awaiting imposition or execution of sentence, . . . be detained, unless the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released under section 3142(b) or (c)." [18 U.S.C.A. § 3143](#). The defendant has admitted to false and deceitful conduct by stealing someone else's identity for personal gain, and he is not a citizen of this country and could flee to Mexico to avoid his sentencing hearing. Under such circumstances, the court is not convinced that even with family friends serving as third party custodians, the defendant's release will not pose a risk of flight and a failure to appear at sentencing.

IT IS ORDERED that the defendant's motion for release, (Filing No. 34), is denied without a hearing.

August 8, 2013.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge